

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**WILLIAM JOSEPH HOLLY**

**PETITIONER**

**v.**

**No. 3:98CV53-A-A**

**STATE OF MISSISSIPPI, ET AL.**

**RESPONDENTS**

**CERTIFICATE OF APPEALABILITY**

A notice of appeal having been filed in the above captioned case from either the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a state court under 28 U.S.C. § 2254 or the final order in a proceeding under 28 U.S.C. § 2255, the court, considering the record in the case and the requirements of FRAP 22(b) and 28 U.S.C. § 2253(c), hereby finds that:

**PART A**

☒ **the applicant has made a substantial showing of the denial of a constitutional right.**

SPECIFIC ISSUE(S): Whether, in resentencing William Joseph Holly to life in prison without parole, the Mississippi Supreme Court violated Holly's constitutional rights by failing to recognize or enforce the *ex post facto* clause of the United States Constitution, Article 1, Section 10, as well as the Due Process Clauses of the Fifth and Fourteenth Amendments.

☐ a certificate of appealability should not issue.

**REASONS FOR DENIAL:**

**PART B (if applicable)**

☒ the party appealing is entitled to proceed *in forma pauperis*.

☐ the party appealing is not entitled to proceed *in forma pauperis*.

**REASONS FOR DENIAL:**

This, the 22nd day of July, 2010.

/s/ Sharion Aycock  
**UNITED STATES DISTRICT JUDGE**